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Date August 30, 2007 Page 1 of 7

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SUBJECT: Amendment to Application No. 09/912,692

COMMENTS: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of Edward T. Buford, III

Serial No: 09/912,692

Group Art Unit:

Filed: 7/26/2001

Examiner: R. Chin

Commissioner of Patent and Trademarks
Washington, D.C. 20321

Sir:

RESPONSE TO OFFICE ACTION MAILED MAY 24, 2007

This is in response to the Office Action mailed, May 24, 2007 and the communication dated August 28, 2007 in respect of the above-identified patent application.

For the record, applicant hereby registers his disappointment at the Examiner's reversal of his allowance of the claims presented. It should also be noted that this is not the first time that the Examiner has seemingly reversed course after indicating that the claims presented for examination were allowable then altering his stance. Additionally, while the Examiner suggests that their allowable subject matter if the claims were presented with a spiral groove, it must be noted that the Examiner has rejected claims employing a spiral groove. Nevertheless, applicant will amend the claims along the lines suggested by the Examiner.

In the subject Office Action, the Examiner rejected claims 17 and 19 for obviousness based upon 35 U. S. C. 103 (a). Specifically, the rejection was based upon the assertion that referenced claims were unpatentable over Stewart 2,876,477 on the grounds that Stewart teaches a brush having a groove or flute along its longitudinal axis, thus it is demonstrably similar to the grooved bristle described by applicant in his invention. The Examiner supports his rejection by reference to Figs. 3, 4, 5, 6 and 7 of Stewart.

Applicant begs to differ. The Examiner's rationale for the rejection is that the physical characteristics of Stewart are the functional equivalent of applicant's grooved bristle. Stewart does not make any reference in his specification or claims to the method or results achieved from the structural elements of the invention. Essentially, Stewart demonstrates a technique for efficient placement of the bristles in "tuft-receiving holes" such that the apices of the cross-section of the bristles are adjacent to each. The effect, if any, that such a placement will have on cleaning, particularly the ability of the apices of the bristles to act as cleaning devices is not mentioned.

Moreover, the arrangement of the bristles as described by Stewart virtually precludes the apices from having any cleaning function since the apices are adjacent to each other and not exposed. Further, unlike the bristle of applicant's invention that has a single groove along the longitudinal axis and is designed so that the entire length of the bristle is a cleaning device, the polygonal shape of Stewart's bristles does not lend itself to a cleansing function. Consequently, applicant asserts that the differences between the Stewart bristle and the bristle of the invention are not merely functional.

Accordingly, applicant respectfully requests that the Examiner reconsiders and reexamines claims 17 and 19 as amended. However, in an effort to overcome the Examiner's rejection of the claims, applicant has amended the claims as suggested.

Applicant hereby submits new claims 20 and 21 for examination. The new claims are specifically written to include at least one spiral groove within the uniform diameter encompassing the longitudinal axis of the bristle.

In the Office Action dated August 28, 2007 Applicant was advised that claims 17 and 19 should be noted as "currently amended." Applicant has amended the Amendment to correct the designation of claims as required.

Accordingly, the application will be amended as follows: